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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/531,102 03/17/00 GIANNINI

R JARB. 004PA

TM02/0621

EXAMINER

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WASYLCHAK, S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2165

DATE MAILED:

06/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

|                 |            |                |          |
|-----------------|------------|----------------|----------|
| Application No. | 09/531,102 | Applicant(s)   | GIANNINI |
| Examiner        | WASYLCHAK  | Group Art Unit | 2165     |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on 3/17/00
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1-12 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-12 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kagami et al. (Kagami) (US 5,974,400).

As per claims 1 and 7,

- image-data corresponding to a colored article selected by an on-line viewer from the on-line viewer site with an image of a colored structure selected by the on-line viewer, the computer driven web-linking engine adapted to indicate whether the colored article and the colored structure satisfy a color-matching criterion. / fig 7,8 (705); col 8, L 45-48, 61-62

As per claims 2 and 9,

- create the item using a data set that includes a color identification code provided for the color of the article and a color identification code provided for the color of the structure. / col 8, L 61-62

As per claims 3 and 10,

-an article size code. / fig 7,8 (705); col 8, L 45-48, 61-62

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As per claims 4 and 11,

- an article style code. / col 8, L 3-5, L 36-39 (goods attribute area of element 703);

fig 7(703) for sweater style called Alpaca

As per claims 5 and 12,

- image data corresponding to the colored article with the color identification code provided for the color of the article. / fig 7,8 (705); col 8, L 45-48, 61-62

As per claims 6 and 8;

-creating an item from image-data corresponding to a colored article selected by an on-line viewer from the on-line viewer site with an image of a colored structure selected by the on-line viewer, the computer-driven web-linking engine adapted to indicate whether the colored article and the colored structure satisfy a color-matching criterion. / col 3, L 58-66

This action is NONFINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Friday from 7:00 a.m. to 7:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 2165 is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Steven Wasylchak

6/16/01



MELANIE A. KEMPER  
PRIMARY EXAMINER